

MINUTES
State Allocation Board
January 28, 2004

Upon notice duly given, the monthly meeting of the State Allocation Board was held in Room 4203 of the State Capitol, Sacramento, California on January 28, 2004 at 4:00 p.m.

Members of the Board present were as follows:

- Jeannie Oropeza, Program Budget Manager, Education, Department of Finance, designated alternate for Donna Arduin, Director, Department of Finance
- Jacqueline Wilson, Deputy Director, Interagency Support Division, Department of General Services designated alternate for Dr. William J. Jefferds, Director, Department of General Services
- Duwayne Brooks, Director, School Facilities Planning Division, California Department of Education designated representative for Jack O'Connell, Superintendent of Public Education
- David Sickler, Southern Regional Director, State Building & Constructions Trades Council of California
- Senator Dede Alpert
- Senator Tom Torlakson
- Assembly Member Marco Firebaugh
- Assembly Member John Dutra

Members of the Board absent were as follows:

- Senator Bob Margett
- Assembly Member Tony Strickland

Representatives of the State Allocation Board (SAB) were as follows:

Luisa M. Park, Executive Officer
Bruce B. Hancock, Assistant Executive Officer

Representatives of the Department of General Services, Office of Public School Construction (OPSC) were as follows:

Luisa M. Park, Executive Officer
Karen McGagin, Deputy Executive Officer

Representative of the Department of General Services, Office of Legal Services, was as follows:

Garry Ness, Acting Chief Counsel

With a quorum present, Ms. Oropeza, Chair, called the meeting to order at 4:11 p.m.

PRIOR MINUTES

A motion was made and carried to approve the minutes for the December 10, 2003 SAB meeting.

EXECUTIVE OFFICER'S STATEMENT

The Executive Officer advised the SAB members that:

- The OPSC responded quickly to the Paso Robles Joint Unified School District's loss of 19 classrooms due to the Cambria earthquake on December 22, 2003, ensuring the continuation of classroom instruction without significant delay.

- In regards to Palo Verde Unified School District, the OPSC has requested a legal opinion from the Attorney General's Office regarding the liability of utility companies and other entities when gas lines are located on school sites. The OPSC is working closely with the CDE to identify other districts affected by gas pipelines, and updates on this issue will be provided as information becomes available.
- The OPSC requested exceptions for Regulations affected by Executive Order S-2-03, and two requests for Assembly Bill 16 have been approved. The exception for establishing the State's share of the cost of the Labor Compliance Program was denied; therefore, the funding for items presented at the January 2004 SAB meeting do not include grants for labor compliance. The exception requests for other regulations are pending review.

CONSENT ITEMS

In considering this item, the Board approved the consent calendar as presented. A motion was made and carried with the following vote:

MEMBER	AYE	NAY	ABSTAIN	ABSENT
Senator Alpert	X			
Senator Margett				X
Senator Torlakson	X			
Assembly Member Dutra	X			
Assembly Member Firebaugh	X			
Assembly Member Strickland				X
Jeannie Oropeza		X		
Jacqueline Wilson	X			
David Sickler	X			
Duwayne Brooks	X			
Total	7	1	0	2

Motion:

Carried X

Failed

FINANCIAL REPORTS

Status of Funds

The Board accepted the Status of Funds report as presented.

Annual Adjustment to the School Facility Program Grants

Ms. Jeannie Oropeza, Chair, requested that the Board consider delaying this item to the February SAB meeting. The Department of Finance was concerned because other construction in the state uses a different factor.

Mr. Tom Duffy, representative for the Coalition for Adequate School Housing, expressed his concern with delaying this item. Mr. Duffy offered the resources of CASH to study the annual adjust before the next adjustment in 2005.

In considering this item, the Board approved the staff's recommendation with the following direction:

The Board directed Staff to conduct a study, working with the Department of Finance, to determine if the increase to the construction index for school construction is appropriate for purposes of the annual adjustment in 2005.

A motion was made and carried with the following vote:

MEMBER	AYE	NAY	ABSTAIN	ABSENT
Senator Alpert	X			
Senator Margett				X
Senator Torlakson	X			
Assembly Member Dutra	X			
Assembly Member Firebaugh	X			
Assembly Member Strickland				X
Jeannie Oropeza		X		
Jacqueline Wilson	X			
David Sickler	X			
Duwayne Brooks	X			
Total	7	1	0	2

Motion:

Carried X

Failed

Index Adjustment on the Assessment for Development

In considering this item, the Board accepted the report.

SPECIAL CONSENT ITEMS

Deferred Maintenance Program Funding

In considering this item, the Board approved the staff's recommendations.

Fullerton Joint Union High/Orange 58/66514-00-01

In considering this item, the Board approved the staff's recommendations.

SPECIALS/APPEALS

Deferred Maintenance Critical Hardship Closeout Issues

In considering this item, the Board approved the staff's recommendations.

Fresno Unified/Fresno

This item was withdrawn.

Assembly member Firebaugh requested that the Superintendent of the District and a representative of the School Board attend the March SAB meeting when this item is scheduled to be discussed.

Lakeport Unified/Lake 22/64030-00-03 and 04

Senator Chesbro requested that the SAB members consider the Lakeport Unified School District's request that the Board approve the receipt date as of May 31, 2003, for funding approval of two Lease Purchase Program Joint Use projects.

Dr. Beth Robinson, Superintendent of Lakeport Unified School District, reviewed the background on the project.

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In considering this item, the Board did not approve the staff's recommendations. Instead, the Board directed staff to fund the two applications.

A motion was made and carried with the following vote:

MEMBER	AYE	NAY	ABSTAIN	ABSENT
Senator Alpert	X			
Senator Margett				X
Senator Torlakson	X			
Assembly Member Dutra	X			
Assembly Member Firebaugh	X			
Assembly Member Strickland				X
Jeannie Oropeza	X			
Jacqueline Wilson	X			
David Sickler	X			
Duwayne Brooks	X			
Total	8	0	0	2

Motion:

Carried X

Failed

REGULATIONS

Financial Hardship Bonded Indebtedness Change

In considering this item, the Board approved the staff's recommendation.

Proposed Regulatory Amendments – Critically Overcrowded School Facilities Program

In considering this item, the Board approved the staff's recommendations.

Senate Bill 15 Amendments to the School Facility Joint-Use Program

In considering this item, the Board approved the staff's recommendations.

REPORTS

Lease Lease-Back Agreements (Education Code Section 17406)

The Board heard from a number of people in the audience for and against the use of Lease Lease-Back agreements.

Senator Alpert requested that staff capture information on how many projects are using Lease Lease-Back agreements. She also requested that staff report at a future SAB meeting on recommendations for changes to Regulations and/or legislation, after discussions at the Implementation Committee.

Mr. Brooks requested that staff provide written notification to school districts to proceed with caution when using Lease Lease-Back agreements and interpreting the law (Ed. Code 17406).

Assembly member Dutra offered to carry a bill to clarify this issue.

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The Board did not accept the report.

Energy Conservation Program Incentives

In considering this item, the Board accepted the report.

Maintenance of School Restrooms

In considering this item, the Board accepted the report.

INFORMATION/REFERENCE

Board Meeting Dates for the 2004 Calendar Year

Modernization Unfunded List – Projects that have received Unfunded Approval as of December 10, 2003

OPSC Workload Summary List – New Construction and Modernization through December 30, 2003

Facility Hardship/Rehabilitation Approvals without Funding List as of December 10, 2003

ADJOURNMENT

There being no further business to come before the Board, the Chair adjourned the meeting at 6:13 p.m.

LUISA M. PARK, Executive Officer

MINUTES
State Allocation Board
February 25, 2004

Upon notice duly given, the monthly meeting of the State Allocation Board was held in Room 3191 of the State Capitol, Sacramento, California on February 25, 2004 at 4:00 p.m.

Members of the Board present were as follows:

- Jeannie Oropeza, Program Budget Manager, Education, Department of Finance, designated alternate for Donna Arduin, Director, Department of Finance
- Ron Joseph, Interim Director, Department of General Services
- Duwayne Brooks, Director, School Facilities Planning Division, California Department of Education designated representative for Jack O'Connell, Superintendent of Public Education
- David Sickler, Southern Regional Director, State Building & Constructions Trades Council of California
- Senator Dede Alpert
- Senator Tom Torlakson
- Assembly Member Marco Firebaugh
- Assembly Member John Dutra

Members of the Board absent were as follows:

- Senator Bob Margett
- Assembly Member Tony Strickland

Representatives of the State Allocation Board (SAB) were as follows:

Luisa M. Park, Executive Officer
Bruce B. Hancock, Assistant Executive Officer

Representatives of the Department of General Services, Office of Public School Construction (OPSC) were as follows:

Luisa M. Park, Executive Officer
Karen McGagin, Deputy Executive Officer

Representative of the Department of General Services, Office of Legal Services, was as follows:

Garry Ness, Acting Chief Counsel

With a quorum present, Ms. Oropeza, Chair, called the meeting to order at 4:08 p.m.

PRIOR MINUTES

A motion was made and carried to approve the minutes for the January 28, 2004 SAB meeting.

EXECUTIVE OFFICER'S STATEMENT

The Executive Officer advised the SAB members that:

- In regards to Palo Verde Unified School District, the OPSC has requested a legal opinion from the Attorney General's (AG) Office regarding the liability of utility companies and other entities when gas lines are located on school sites. The OPSC has met with the AG's office to discuss these issues.
- SAB Minutes 2 February 25, 2004

The AG's office is currently reviewing other cases to determine any precedent and anticipates an opinion shortly. The OPSC will provide updates as information becomes available.

- The OPSC has been able to secure approval for the majority of exception requests in adherence to Executive Order S-2-03, with the exception of one pertaining to Use of Grants, which the OPSC anticipates will be finalized soon. Any future regulations will be filed through the normal regulatory process.

CONSENT ITEMS

In considering this item, the Board approved the consent calendar as presented.

FINANCIAL REPORTS

Status of Funds

The Board accepted the Status of Funds report as presented.

SPECIAL CONSENT ITEMS

Columbia Union/Tuolumne 50/72348-00-001

In considering this item, the Board approved the staff's recommendation.

Lease-Purchase Program – Joint Use Projects

In considering this item, the Board approved the staff's recommendation.

Point Arena Joint Union High/Mendocino 51/65599-00-001

In considering this item, the Board approved the staff's recommendations.

SPECIALS/APPEALS

Red Bluff Joint Union High/Tehama 57/71639-00-002

In considering this item, the Board approved the staff's recommendation.

REGULATIONS

Adjustment to the New Construction Grant for Hazardous Waste Removal

In considering this item, the Board approved the staff's recommendations.

Bond Accountability

In considering this item, the Board approved the staff's recommendations.

Charter School Facility Program Regulation Amendments – School Facility Program

In considering this item, the Board approved the staff's recommendations.

REPORTS***Change to Calculation of the Three Percent Routine Restricted Maintenance Amount***

Senator Alpert requested that staff delay this report for further discussion and that this item be placed on the March agenda. She also requested that the OPSC notify school districts as soon as possible of the change in the calculation for the three percent routine restricted maintenance amount.

Mr. Tom Duffy, representative for the Coalition for Adequate School Housing, concurred with delaying this item and supported Senator Alpert's requests.

Some Board members indicated they would like to request the Education Budget Committee to delay the effective date; however, a consensus was not reached.

INFORMATION/REFERENCE***Board Meeting Dates for the 2004 Calendar Year******Modernization Unfunded List – Projects that have received Unfunded Approval as of January 28, 2004******OPSC Workload Summary List – New Construction and Modernization through January 29, 2004******Lease Purchase Program SB1795 Joint Use Unfunded Approvals List through January 28, 2004******Facility Hardship/Rehabilitation Approvals without Funding List as of January 28, 2004*****ADJOURNMENT**

There being no further business to come before the Board, the Chair adjourned the meeting at 4:50 p.m.

LUISA M. PARK, Executive Officer

MINUTES
State Allocation Board
March 24, 2004

Upon notice duly given, the monthly meeting of the State Allocation Board was held in Room 112 of the State Capitol, Sacramento, California on March 24, 2004 at 4:00 p.m.

Members of the Board present were as follows:

- Jeannie Oropeza, Program Budget Manager, Education, Department of Finance, designated alternate for Donna Arduin, Director, Department of Finance
- Ron Joseph, Interim Director, Department of General Services
- Duwayne Brooks, Director, School Facilities Planning Division, California Department of Education designated representative for Jack O'Connell, Superintendent of Public Education
- David Sickler, Southern Regional Director, State Building & Construction Trades Council of California
- Senator Dede Alpert
- Senator Bob Margett
- Senator Tom Torlakson
- Assembly Member Marco Firebaugh
- Assembly Member John Dutra
- Assembly Member Lynn Daucher

Representatives of the State Allocation Board (SAB) were as follows:

Luisa M. Park, Executive Officer
Bruce B. Hancock, Assistant Executive Officer

Representatives of the Department of General Services, Office of Public School Construction (OPSC) were as follows:

Luisa M. Park, Executive Officer
Karen McGagin, Deputy Executive Officer

Representative of the Department of General Services, Office of Legal Services, was as follows:

Garry Ness, Acting Chief Counsel

With a quorum present, Ms. Oropeza, Chair, called the meeting to order at 4:08 p.m.

CLOSED SESSION

In accordance with Section 11126 (e) (1) of the Government Code, the Board adjourned to a closed session for the purpose of conferring with and receiving advice from counsel regarding pending litigation.

Upon conclusion of the closed session, the Board reconvened into open session at 5:35 p.m.

Ms. Oropeza, Chair, introduced Assembly Member Lynn Daucher as the SAB's newest member.

PRIOR MINUTES

A motion was made and carried to approve the minutes for the February 25, 2004 SAB meeting.

EXECUTIVE OFFICER'S STATEMENT

The Executive Officer advised the SAB members that:

- With the passage of Proposition 55, the OPSC has prepared an item for the Board to request the adoption of a resolution for the sale of bonds. At the April 2004 SAB meeting, the OPSC will request that all modernization "unfunded" projects receive apportionments.
- The OPSC has developed and instituted a method whereby school districts can electronically file eligibility applications directly to the OPSC through the website. Once data is reviewed and accepted it will automatically populate the data base. The OPSC will continue to endeavor to improve systems in order to be more efficient and responsive to the Board's clients.
- The OPSC continues to work with the Attorney General's (AG) office to secure a legal opinion regarding the liability of utility companies and other entities when gas lines are located on school district property. The opinion is being finalized by the AG's office and the OPSC will present the opinion at the April 2004 SAB meeting with a representative from the AG's office in attendance.

CONSENT ITEMS

In considering this item, the Board approved the consent calendar as presented.

FINANCIAL REPORTS***Status of Funds***

The Board accepted the Status of Funds report as presented.

Proposition 55 Funding Process

In considering this item, the Board approved the staff's recommendations. (See attached Resolution)

SPECIAL CONSENT ITEMS***Los Angeles Unified/Los Angeles 50/64733-00-054***

In considering this item, the Board approved the staff's recommendation.

Use of New Construction Grants

In considering this item, the Board approved the staff's recommendation.

Needles Unified/San Bernardino 50/67801-00-001

In considering this item, the Board approved the staff's recommendations.

SPECIALS/APPEALS***Los Angeles Unified/Los Angeles 34/64733-00-Various***

Mr. Jess Womack, Associate General Counsel for the Los Angeles Unified School District, Mr. Lyle Smoot and Ms. Beth Hamby, representatives for the Los Angeles Unified School District, addressed the Board. The Board held this item over and requested that Mr. Ted Dutton be in attendance at the April 28, 2004 SAB meeting.

Fresno Unified/Fresno 50/62166-06-003 and 57/62166-00-Various

Ms. Patricia Barr, School Board President of the Fresno Unified School District and Dr. Santiago Wood, Superintendent of the Fresno Unified School District, addressed the Board.

In considering this item, the Board conditionally approved the staff's recommendation and included the following:

- That interest repayments be based on simple interest, not compounded.
- The District may re-file applications for the 11 projects listed on Attachment A, with the condition that the apportionment amounts will not exceed the amounts originally funded for each project.
- An acknowledgment be made that no legal action will be taken by the Board, the District or its School Board.

The Board requested staff to present an item for its final approval at the April 28, 2004 SAB meeting with the acknowledgment of the Board's findings signed by the District and its School Board.

The Board directed Legal Counsel to coordinate a referral to the Attorney General's Office under the False Claims Act and to the Fresno District Attorney's Office under the Criminal Fraud Provisions of the Penal Code.

The Board directed staff to explore legislation to clarify the penalties for material inaccuracies.

REGULATIONS***Alternative Education School Funding***

In considering this item, the Board approved the staff's recommendations.

Changes to the School Facility Program (SFP) Additional Grant for Energy Efficiency

In considering this item, the Board approved the staff's recommendations.

Multistory Replacement Facilities

In considering this item, the Board approved the staff's recommendations.

REPORTS***Three Percent Routine Restricted Maintenance Account***

The Board heard from a number of people in the audience on the impact this issue would have on school districts.

In considering this item, the Board approved the staff's recommendation.

INFORMATION/REFERENCE

Board Meeting Dates for the 2004 Calendar Year

Modernization Unfunded List – Projects that have received Unfunded Approval as of February 25, 2004

OPSC Workload Summary List – New Construction and Modernization through March 5, 2004

Lease Purchase Program SB1795 Joint Use Unfunded Approvals List through February 20, 2004

Facility Hardship/Rehabilitation Approvals without Funding List as of February 25, 2004

ADJOURNMENT

There being no further business to come before the Board, the Chair adjourned the meeting at 7:15 p.m.

LUISA M. PARK, Executive Officer

MINUTES
State Allocation Board
April 28, 2004

Upon notice duly given, the monthly meeting of the State Allocation Board was held in Room 112 of the State Capitol, Sacramento, California on April 28, 2004 at 4:00 p.m.

Members of the Board present were as follows:

- Jeannie Oropeza, Program Budget Manager, Education, Department of Finance, designated alternate for Donna Arduin, Director, Department of Finance
- Ron Joseph, Interim Director, Department of General Services
- Duwayne Brooks, Director, School Facilities Planning Division, California Department of Education designated representative for Jack O'Connell, Superintendent of Public Instruction
- David Sickler, Southern Regional Director, State Building & Construction Trades Council of California
- Senator Dede Alpert
- Senator Bob Margett
- Senator Tom Torlakson
- Assembly Member Jackie Goldberg
- Assembly Member John Dutra
- Assembly Member Lynn Daucher

Representatives of the State Allocation Board (SAB) were as follows:

Luisa M. Park, Executive Officer
Bruce B. Hancock, Assistant Executive Officer

Representative of the Department of General Services, Office of Public School Construction (OPSC), was as follows:

Luisa M. Park, Executive Officer

Representative of the Department of General Services, Office of Legal Services, was as follows:

Garry Ness, Acting Chief Counsel

With a quorum present, Ms. Oropeza, Chair, called the meeting to order at 4:09 p.m.

CLOSED SESSION

In accordance with Section 11126(e)(1) of the Government Code, the Board adjourned to a closed session at 4:40 p.m. for the purpose of conferring with its legal counsel regarding pending litigation involving the Palo Verde Unified School District.

Upon conclusion of the closed session, the Board reconvened into open session at 5:23 p.m.

Ms. Oropeza, Chair, welcomed Assembly Member Jackie Goldberg to the SAB, who was substituting for Assembly Member Firebaugh.

PRIOR MINUTES

A motion was made and carried to approve the Minutes for the March 24, 2004 SAB meeting.

EXECUTIVE OFFICER'S STATEMENT

The Executive Officer advised the SAB members that:

- Ms. Karen McGagin accepted an appointment as Executive Director with the Board of Control.
- The State School Building Finance Committee, on April 21, 2004, approved the sale of bonds in the amount of \$10 billion. The bond sale will immediately enable the Board to fund (in the consent agenda) over \$351 million in modernization projects that are currently on the unfunded list.
- Proposition 55 allocated \$2.44 billion for the Critically Overcrowded Schools (COS) Program. The deadline for the submittal of applications for the COS Program is June 30, 2004. It is anticipated that these projects will be presented for funding at the October 2004 SAB meeting.
- Proposition 55 allocated \$300 million for the Charter School Facility Program. The deadline for the submittal of applications for the Charter School Facility Program is July 29, 2004. It is anticipated that these projects will be presented for funding at the December 2004 SAB meeting. The OPSC has been conducting workshops throughout the State to provide an overview of program changes and the application process.

CONSENT ITEMS

In considering this item, the Board approved the consent calendar as presented.

FINANCIAL REPORTS***Status of Funds***

The Board accepted the Status of Funds report as presented.

SPECIAL CONSENT ITEMS***Rim of the World Unified/San Bernardino 50/67868-00-01***

In considering this item, the Board approved the staff's recommendation.

Two Rock Union/Sonoma 58/70979-00-01

In considering this item, the Board approved the staff's recommendation.

SPECIALS/APPEALS***Palo Verde Unified/Riverside 51/67181-00-01***

Senator Ducheny and a representative from Senator Battin's office addressed the Board in support of the District's request. In considering this item, the Board approved the staff's recommendations and included the following language as a new Recommendation No. 6:

Approve the request for a facility hardship from the Palo Verde Unified School District due to the following unique conditions at the Appleby Elementary School site:

- Number, Size and Type of Pipelines:
Two 30", maximum 750 pounds per square inch (psi), steel, natural gas transmission lines. Two manual shutoffs that are over two miles away from the campus.
- Pipelines' Location:
One intersecting the campus running within 20 feet of two buildings where staff and children are located. The other near the school's property line.
- Depth of Pipelines:
Shallow, only 36" below the surface.
- Age of Pipelines:
Placed prior to 1963.
- Risk Analysis Findings:
The environmental assessment concluded that "...individual and societal risks posed by the pipelines at the site were found to be significant", and that "... If one of these scenarios occurred while people were onsite, this analysis estimates that there is a high probability that one or more fatalities could result."

The California Department of Conservation (DOC) report found that "the high-pressure natural-gas transmission line could ignite a significant fireball with many fatalities (either a jet-fire or a vapor cloud explosion) in the middle of the school buildings" and that "the present level of public risk is unacceptably high." The DOC report further states that "We are in agreement...about the danger to public school children and faculty from the high-pressure natural-gas transmission line. In a timely manner, either the pipeline or the public school should be relocated."

- Maximum Impact Distances:
Leak: 69' radiation impact from a jet fire explosion. 520' overpressure impact from vapor cloud explosion.

Rupture: 2500' radiation impact from jet fire explosion. 2700' overpressure impact from vapor cloud explosion.
- Non-Precedent Setting:
The rights, duties and liabilities of an easement owner versus the land owner are based on large part on the terms of the easement document. These documents vary. Analysis for relative responsibilities between those parties needs to be conducted on a case-by-case basis.

San Mateo County Office of Education/San Mateo 50/10413-00-00

This item was withdrawn by the District.

Fresno Unified School District Audit Findings

In considering this item, the Board approved the staff's recommendation.

REGULATIONS

Clean School Restroom Facilities

In considering this item, the Board approved the staff's recommendations.

INFORMATION/REFERENCE

Board Meeting Dates for the 2004 Calendar Year

OPSC Workload Summary List – New Construction and Modernization through April 21, 2004

Facility Hardship/Rehabilitation Approvals without Funding List as of March 24, 2004

OTHER ISSUES

The Board expressed concerns regarding two issues: 1) the current high bid climate and how it is impacting the quality of school construction as well as funding, and 2) the Critically Overcrowded Schools program final apportionment process. The Board asked staff to look at possible remedies whether it be administratively through the regulatory process and/or legislatively, and to report back at a future SAB meeting.

ADJOURNMENT

There being no further business to come before the Board, the Chair adjourned the meeting at 5:32 p.m.

LUISA M. PARK, Executive Officer

MINUTES
State Allocation Board
May 26, 2004

Upon notice duly given, the monthly meeting of the State Allocation Board was held in Room 4203 of the State Capitol, Sacramento, California on May 26, 2004 at 4:00 p.m.

Members of the Board present were as follows:

- Jeannie Oropeza, Program Budget Manager, Education, Department of Finance, designated alternate for Donna Arduin, Director, Department of Finance
- Jacqueline R. Wilson, Deputy Director, Interagency Support Division, Department of General Services designated alternate for Ron Joseph, Interim Director, Department of General Services
- Duwayne Brooks, Director, School Facilities Planning Division, California Department of Education designated representative for Jack O'Connell, Superintendent of Public Instruction
- David Sickler, Southern Regional Director, State Building & Constructions Trades Council of California
- Senator Dede Alpert
- Senator Bob Margett
- Senator Tom Torlakson
- Assembly Member Marco Firebaugh
- Assembly Member John Dutra
- Assembly Member Lynn Daucher

Representatives of the State Allocation Board (SAB) were as follows:

Luisa M. Park, Executive Officer
Bruce B. Hancock, Assistant Executive Officer

Representative of the Department of General Services, Office of Public School Construction (OPSC), was as follows:

Luisa M. Park, Executive Officer

Representative of the Department of General Services, Office of Legal Services, was as follows:

Garry Ness, Acting Chief Counsel

With a quorum present, Ms. Oropeza, Chair, called the meeting to order at 4:30 p.m.

PRIOR MINUTES

A motion was made and carried to approve the Minutes for the April 28, 2004 SAB meeting.

CONSENT ITEMS

In considering this item, the Board approved the consent calendar as presented.

FINANCIAL REPORTS

Status of Funds

The Board accepted the Status of Funds report as presented.

Distribution of Energy Funds

In considering this item, the Board approved the staff's recommendation.

SPECIAL CONSENT ITEMS***Di Giorgio Elementary/Kern 58/63420-00-01***

In considering this item, the Board approved the staff's recommendation.

SPECIALS/APPEALS***Richfield Elementary/Tehama 51/71654-00-01***

Mr. Charles Allen, Superintendent of the District, addressed the Board. In considering this item, the Board approved the District's request to abandon the existing site and facilities, and directed the District to suspend construction of the gymnasium and four classrooms until further clarification of the safety of the adjacent site is obtained. The Board requested a continuance of this item in two weeks (June 9, 2004).

REGULATIONS***District Funded Facilities Included in Existing School Building Capacity***

Mr. Dave Doomey, member of the SAB Implementation Committee and Associate Superintendent of Capistrano Unified School District, and Mr. Tom Duffy, representing the Coalition of Adequate School Housing, addressed the Board in support of the staff's recommendations. In considering this item, the Board approved the staff's recommendations.

REPORTS***Disabled Veterans Business Enterprise Report***

In considering this item, the Board accepted the report as presented.

INFORMATION/REFERENCE***Board Meeting Dates for the 2004 Calendar Year******OPSC Workload Summary List – New Construction and Modernization through May 12, 2004******Facility Hardship/Rehabilitation Approvals without Funding List as of April 28, 2004***

OTHER ISSUES

The Board expressed concerns relating to Assembly Bill 1506, specifically the Labor Compliance Program regulations, and requested staff to agendize this issue for the June 23, 2004 SAB meeting. In addition, the Board requested that the Department of Industrial Relations be present to participate in the discussion. Another area of concern expressed by the Board was the issue of 100 percent funding for alternative education programs for school districts (includes county offices of education) under the hardship regulations. Staff was directed to develop an item detailing whether school districts (includes county offices of education) should share in the cost of these types of projects, either by regulation or by amending the law, and present the item at the June 23, 2004 SAB meeting for discussion.

ADJOURNMENT

There being no further business to come before the Board, the Chair adjourned the meeting at 5:30 p.m.

LUISA M. PARK, Executive Officer

MINUTES
State Allocation Board
June 9, 2004

Upon notice duly given, the continuance of the May 26, 2004 meeting of the State Allocation Board was held in the Redwood Room at 915 L Street, Sacramento, California on June 9, 2004 at 4:30 p.m.

Members of the Board present were as follows:

- Jeannie Oropeza, Program Budget Manager, Education, Department of Finance, designated alternate for Donna Arduin, Director, Department of Finance
- Jacqueline R. Wilson, Deputy Director, Interagency Support Division, Department of General Services designated alternate for Ron Joseph, Interim Director, Department of General Services
- Duwayne Brooks, Director, School Facilities Planning Division, California Department of Education designated representative for Jack O'Connell, Superintendent of Public Instruction
- David Sickler, Southern Regional Director, State Building & Constructions Trades Council of California
- Senator Dede Alpert
- Senator Bob Margett
- Senator Tom Torlakson
- Assembly Member Marco Firebaugh
- Assembly Member John Dutra
- Assembly Member Lynn Daucher

Representative of the State Allocation Board (SAB) was as follows:

Luisa M. Park, Executive Officer

Representatives of the Department of General Services, Office of Public School Construction (OPSC), were as follows:

Luisa M. Park, Executive Officer
Dennis Boydston, Chief, Program Services

Representative of the Department of General Services, Office of Legal Services, was as follows:

Garry Ness, Acting Chief Counsel

With a quorum present, Ms. Oropeza, Chair, called the meeting to order at 4:35 p.m.

SPECIALS/APPEALS

Richfield Elementary/Tehama 51/71654-00-01

Ms. Barbara Marks, representing the Shaw Group, and Mr. Raymond Sadowski, representing Camp, Dresser, and McKee answered questions and provided input with regard to the pipeline issue at the Richfield Elementary School District's proposed school project. Mr. Charles Allen, Superintendent of the District, also answered questions and provided input to the Board. In considering this item, the Board approved the staff's Recommendations No. 1 through 8 on the action item presented at the May 26, 2004 State Allocation Board meeting, and approved an additional Recommendation No. 9 to cease the construction of the current new construction project on the existing site and acquire a new site for the replacement project. The Board requested that the District provide full disclosure to the parents and the community at large concerning the pipeline issue, and directed the District to report back at the beginning of the school year on the decisions made by the District and its governing board regarding the issue of interim housing, considering both the educational and safety needs.

ADJOURNMENT

There being no further business to come before the Board, the Chair adjourned the meeting at 6:10 p.m.

LUISA M. PARK, Executive Officer

MINUTES
State Allocation Board
June 23, 2004

Upon notice duly given, the monthly meeting of the State Allocation Board was held in Room 444 of the State Capitol, Sacramento, California on June 23, 2004 at 4:00 p.m.

Members of the Board present were as follows:

- Robert Campbell, Chief Counsel, Department of Finance, designated alternate for Donna Arduin, Director, Department of Finance
- Ron Joseph, Interim Director, Department of General Services
- Duwayne Brooks, Director, School Facilities Planning Division, California Department of Education designated representative for Jack O'Connell, Superintendent of Public Instruction
- David Sickler, Southern Regional Director, State Building & Constructions Trades Council of California
- Senator Dede Alpert
- Senator Bob Margett
- Senator Tom Torlakson
- Assembly Member Marco Firebaugh
- Assembly Member Lynn Daucher

Member of the Board absent was as follows:

- Assembly Member John Dutra

Representatives of the State Allocation Board (SAB) were as follows:

Luisa M. Park, Executive Officer
Bruce B. Hancock, Assistant Executive Officer

Representative of the Department of General Services, Office of Public School Construction (OPSC), was as follows:

Luisa M. Park, Executive Officer

Representative of the Department of General Services, Office of Legal Services, was as follows:

Garry Ness, Acting Chief Counsel

With a quorum present, Mr. Campbell, Chair, called the meeting to order at 4:16 p.m.

The Chair presented a Resolution to a member of the SAB, Mr. Duwayne Brooks, who is retiring from public service as well as the Board, effective June 30, 2004. The Board thanked Mr. Brooks for his contributions to the Board and to the State School Building Programs and wished him happiness in his retirement years.

The Executive Officer announced the appointment of Ms. Jacqueline R. Wilson as the Deputy Executive Officer of the Office of Public School Construction. This appointment is effective July 1, 2004.

PRIOR MINUTES

A motion was made and carried to approve the Minutes for the May 26, 2004 and the June 9, 2004 SAB meetings.

CONSENT ITEMS

In considering this item, the Board approved the consent calendar as presented.

FINANCIAL REPORTS***Status of Funds***

The Board accepted the Status of Funds report as presented.

SPECIAL CONSENT ITEMS***Claremont Unified/Los Angeles 50/64394-00-05***

In considering this item, the Board approved the staff's recommendation.

SPECIALS/APPEALS***Lassen Union High/Lassen 57/64139-00-01 and 57/64139-00-02***

In considering this item, the Board approved the staff's recommendation.

Los Angeles Unified/Los Angeles Various Application Numbers

In considering this item, the Board considered both points of view from staff and the District and proposed a compromise that would reduce the District's request by \$12 million. Since the District was allowed to retain \$12 million for cost overruns for a different group of air conditioning projects, this action provides funding for the 31 air conditioning projects up to the reduced amount of \$22,236,282 (\$34 million minus \$12 million equals \$22 million). In addition, the Board stipulated that no further requests for reimbursement of air conditioning projects from the unfunded list would be considered. Ms. Beth Hamby, representing the Los Angeles Unified School District, addressed the Board by agreeing to and accepting this compromise.

REGULATIONS***Amendments to the School Facility Program Modernization Program***

In considering this item, the Board approved the staff's recommendations including the withdrawal of proposed amendments to Regulation Sections 1859.32(k) and 1859.51(i)(5) of the regulatory text.

REPORTS***Bidding Climate Report***

Mr. Eric Hall, representing the Coalition for Adequate School Housing (CASH) and the San Dieguito High School District, addressed the Board. In considering this item, the Board accepted the report and directed staff to take this report to the SAB Implementation Committee where feedback could be obtained for purposes of developing a

future report with recommendations that will allow the Board the opportunity to modify the School Facility Program either administratively or through legislation and/or regulation.

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June 23, 2004

REPORTS (Contd.)

Critically Overcrowded School Facilities Program

Mr. Tom Duffy, representing CASH, addressed the Board. In considering this item, the Board accepted the report as presented.

Report on the Local Contribution of County Offices of Education

Mr. Dave Walrath, representing the Small School Districts Association; Mr. Ernie Silva, representing the County School Facility Consortia, and Ms. Jamillah Moore, representing the Los Angeles County Office of Education, addressed the Board. In considering this item, the Board accepted the report as presented.

Labor Compliance Program Report

Mr. Tom Duffy, representing CASH, addressed the Board. Mr. John Cumming, representing the Office of the Director of Industrial Relations, Legal Unit; Mr. Tom Fredericks, representing the Division of Labor Standards Enforcement, Legal Unit, and Mr. Jose Millan, Deputy Secretary for the Labor and Work Force Development Agency, provided input to the Board as to the Department of Industrial Relations role concerning labor compliance program regulations. In considering this item, the Board directed staff to agendaize this item for emergency regulatory action at the next SAB meeting, and to address the funding issue for those districts who have not previously received labor compliance program funding.

INFORMATION/REFERENCE

Board Meeting Dates for the 2004 Calendar Year

OPSC Workload Summary List – New Construction and Modernization through May 26, 2004

Lease-Purchase Joint Use Program – New Construction through May 26, 2004

Facility Hardship/Rehabilitation Approvals without Funding List as of June 9, 2004

ADJOURNMENT

There being no further business to come before the Board, the Chair adjourned the meeting at 5:55 p.m.

LUISA M. PARK, Executive Officer

MINUTES
State Allocation Board
August 4, 2004

Upon notice duly given, the monthly meeting of the State Allocation Board was held in Room 447 of the State Capitol, Sacramento, California on August 4, 2004 at 4:00 p.m.

Members of the Board present were as follows:

- Jeannie Oropeza, Program Budget Manager, Education, Department of Finance, designated alternate for Donna Arduin, Director, Department of Finance
- Ron Joseph, Director, Department of General Services
- William J. Ellerbee, Deputy Superintendent, School and District Operations Branch, California Department of Education designated representative for Jack O'Connell, Superintendent of Public Instruction
- David Sickler, Southern Regional Director, State Building & Constructions Trades Council of California
- Senator Bob Margett
- Assembly Member Lynn Daucher

Members of the Board absent were as follows:

- Senator Dede Alpert
- Senator Tom Torlakson
- Assembly Member Marco Firebaugh
- Assembly Member John Dutra

Representative of the State Allocation Board (SAB) was as follows:

Bruce B. Hancock, Assistant Executive Officer

Representatives of the Department of General Services, Office of Public School Construction (OPSC), were as follows:

Dennis Boydston, Chief of Program Services
Dave Zian, Manager of Fiscal Services

Representative of the Department of General Services, Office of Legal Services, was as follows:

Garry Ness, Acting Chief Counsel

With a quorum present, Ms. Oropeza, Chair, called the meeting to order at 4:15 p.m.

PRIOR MINUTES

A motion was made and carried to approve the Minutes for the June 23, 2004 SAB meeting.

DELEGATION OF AUTHORITY

In considering this item, the Board approved the delegation of authority resolution for Jacqueline R. Wilson, Deputy Executive Officer.

CONSENT ITEMS

FINANCIAL REPORTS

Status of Funds

The Status of Funds report was not presented.

SPECIAL CONSENT ITEMS

School Facility Program Substantial Progress Time Extensions

This item was postponed until the August 25, 2004 SAB meeting.

School Facility Program Time Limit on Apportionments

This item was postponed until the August 25, 2004 SAB meeting.

SPECIALS/APPEALS

Galt Joint Union High/Sacramento 50/67355-00-000

This item was postponed until the August 25, 2004 SAB meeting.

Lease Purchase Program Joint Use Projects

In considering this item, the Board approved the staff's recommendations.

School Facility Program Joint Use Projects

In considering this item, the Board approved the staff's recommendations.

Ms. Oropeza, Chair, requested staff report back on whether or not the two Joint Use applications that were not funded under the Lease Purchase Program would qualify for funding under the School Facility Program.

Brentwood Union Elementary/Contra Costa 52/61655-00-01

This item was postponed until the August 25, 2004 SAB meeting.

REGULATIONS

Grant Adjustments for the Labor Compliance Program

This item was postponed until the August 25, 2004 SAB meeting.

INFORMATION/REFERENCE

Board Meeting Dates for the 2004 Calendar Year

OPSC Workload Summary List – New Construction and Modernization through June 30, 2004

ADJOURNMENT

There being no further business to come before the Board, the Chair adjourned the meeting at 4:22 p.m.

BRUCE HANCOCK, Assistant Executive Officer

MINUTES
State Allocation Board
August 25, 2004

Upon notice duly given, the monthly meeting of the State Allocation Board was held in Room 4203 of the State Capitol, Sacramento, California on August 25, 2004 at 4:00 p.m.

Members of the Board present were as follows:

- Jeannie Oropeza, Program Budget Manager, Education, Department of Finance, designated alternate for Donna Arduin, Director, Department of Finance
- Ron Joseph, Director, Department of General Services
- William J. Ellerbee, Deputy Superintendent, School and District Operations Branch, California Department of Education designated representative for Jack O'Connell, Superintendent of Public Instruction
- David Sickler, Southern Regional Director, State Building & Constructions Trades Council of California
- Senator Dede Alpert
- Senator Torlakson
- Assembly Member Lynn Daucher
- Assembly Member Jackie Goldberg

Members of the Board absent were as follows:

- Senator Bob Margett
- Assembly Member John Dutra

Representative of the State Allocation Board (SAB) was as follows:

Bruce B. Hancock, Assistant Executive Officer

Representatives of the Department of General Services, Office of Public School Construction (OPSC), were as follows:

Jacqueline R. Wilson, Deputy Executive Officer
Dennis Boydston, Chief of Program Services

Representative of the Department of General Services, Office of Legal Services, was as follows:

Garry Ness, Acting Chief Counsel

With a quorum present, Ms. Oropeza, Chair, called the meeting to order at 4:13 p.m.

PRIOR MINUTES

A motion was made and carried to approve the Minutes for the August 4, 2004 SAB meeting.

EXECUTIVE OFFICER STATEMENT

The Deputy Executive Officer advised the Board that the Santa Paula Elementary School Joint-Use project that was not funded under the Lease Purchase Program (LPP) may be eligible for funding under the School Facility Program (SFP) Joint-Use Program. The Board was also advised that the Garvey Elementary School Joint-Use project that was not funded under the LPP did not qualify for the SFP Joint-Use Program but would remain on the LPP unfunded list. It is anticipated that funding will be available upon the close-out of other LPP projects.

CONSENT ITEMS

Mr. Bruce Funk, representative of a now disbanded citizens group, expressed his concern with the Fremont Unified School District's original application and the misrepresentation of enrollment numbers by the District to stop a reorganization from happening. Mr. Funk requested that the SAB approve the current application and then look into this issue and hold the District accountable for its actions.

Ms. Theresa Gain, Director of Facilities for Fremont Unified School District, reported that the District has spent endless hours with the OPSC staff to not only amend the numbers, but to get to the root of the original mistake and to show them it was not intentional. They currently have a new consultant because they have found that a major portion of this issue was computational errors that were included by their first consultant in those applications.

In considering this item, the Board approved the consent calendar with the direction for staff to report at the next SAB meeting on a definition of Material Inaccuracy as requested by Assembly Member Daucher and present the audit findings for Fremont Unified School District's eligibility determination.

Dr. William Ellerbee, Jr. abstained from voting on the consent calendar items that pertained to the Sacramento City Unified.

FINANCIAL REPORTS***Status of Funds***

The Board accepted the Status of Funds report as presented.

SPECIAL CONSENT ITEMS***Riverside Unified 22/67215-00-013***

In considering this item, the Board approved the staff's recommendations.

School Facility Program Substantial Progress Time Extensions

In considering this item, the Board approved the staff's recommendations.

School Facility Program Time Limit on Apportionments

In considering this item, the Board approved the staff's recommendations.

SPECIALS/APPEALS***Galt Joint Union High/Sacramento 50/67355-00-000***

In considering this item, the Board approved the staff's recommendations.

Junction Elementary/Siskiyou 51/70367-00-000

In considering this item, the Board approved the staff's recommendations.

School Facility Program Joint-Use Projects

The Clovis Unified and the Jurupa Unified had requested prior to the meeting that their applications be withdrawn.

Assembly Member John Longville respectfully requested that the SAB members consider approval of San Bernardino City Unified's request for Joint-Use funding.

The following individuals addressed the Board on the issues surrounding San Bernardino City Unified School District's Joint-Use application:

Mr. Art Delgado, Superintendent
Mr. Tom Cavanagh, Architect
Mr. Chas Kelley, City Councilmember

Mr. Doug Adams, Superintendent for the Brentwood Union Elementary, addressed the board on the issue surrounding their Joint-Use application.

In considering this item the Board directed staff to review the Regulations and return at the next SAB meeting to:

- Identify different funding options and recommendations for San Bernardino City Unified School District if possible.
- Provide information regarding whether the San Bernardino City Unified School District Joint-Use facility is classified as a multipurpose room or gymnasium.
- Review the Brentwood Union Elementary Joint-Use agreements, consult the public record and make recommendations based on the findings.

REGULATIONS***Grant Adjustments for the Labor Compliance Program***

Due to lack of a quorum, this item was postponed until the September 22, 2004 SAB meeting.

INFORMATION/REFERENCE***Board Meeting Dates for the remaining 2004 Calendar Year******OPSC Workload Summary List – New Construction and Modernization through August 3, 2004******Facility Hardship/Rehabilitation Approvals without Funding List as of August 4, 2004*****ADJOURNMENT**

There being no further business to come before the Board, the Chair adjourned the meeting at 6:07 p.m.

MINUTES
State Allocation Board
September 22, 2004

Upon notice duly given, the monthly meeting of the State Allocation Board was held in Room 4202 of the State Capitol, Sacramento, California on September 22, 2004 at 2:00 p.m.

Members of the Board present were as follows:

- Jeannie Oropeza, Program Budget Manager, Education, Department of Finance, designated alternate for Donna Arduin, Director, Department of Finance
- Rob Cook, Deputy Director, Interagency Support Division, Department of General Services, designated alternate for Ron Joseph, Director, Department of General Services
- William J. Ellerbee, Deputy Superintendent, School and District Operations Branch, California Department of Education, designated representative for Jack O'Connell, Superintendent of Public Instruction
- David Sickler, Southern Regional Director, State Building & Constructions Trades Council of California
- Senator Dede Alpert
- Senator Bob Margett
- Senator Tom Torlakson
- Assembly Member Lynn Daucher
- Assembly Member Jackie Goldberg

Member of the Board absent was as follows:

- Assembly Member John Dutra

Representative of the State Allocation Board (SAB) was as follows:

Bruce B. Hancock, Assistant Executive Officer

Representatives of the Department of General Services, Office of Public School Construction (OPSC), were as follows:

Jacqueline R. Wilson, Deputy Executive Officer
Dennis Boydston, Chief of Program Services

Representative of the Department of General Services, Office of Legal Services, was as follows:

Garry Ness, Acting Chief Counsel

With a quorum present, Ms. Oropeza, Chair, called the meeting to order at 2:08 p.m.

CLOSED SESSION

In accordance with Section 11126(e)(1) of the Government Code, the Board adjourned to a closed session for the purpose of conferring with and receiving advice from counsel regarding pending litigation/settlement involving the Richfield Elementary School District.

Upon conclusion of the closed session, the Board reconvened into open session at 2:52 p.m.

PRIOR MINUTES

A motion was made and carried to approve the Minutes for the August 25, 2004 SAB meeting. Senator Margett and Assembly Member Goldberg abstained from voting on the Minutes.

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September 22, 2004

EXECUTIVE OFFICER STATEMENT

The Deputy Executive Officer advised the Board that the OPSC is currently reviewing the issues and documentation associated with the Fremont Unified School District's new construction eligibility, and will be presenting an item at the October SAB meeting. In addition, the staff will be reporting on the definition of material inaccuracy. The Board was also advised that the Charter School Facility Program preliminary apportionments were initially planned to be presented at the December 2004 SAB meeting for funding consideration; however, based on the number of applications received, the California School Finance Authority (our sister agency in this program) needed adequate time to perform the financial soundness analyses and it is anticipated that the funding of the preliminary apportionments will be presented at the January 26, 2005 SAB meeting.

CONSENT ITEMS

In considering this item, the Board approved the consent calendar as presented. However, Dr. William Ellerbee, Jr. abstained from voting on the consent calendar items that pertained to the Sacramento City Unified School District.

FINANCIAL REPORTS

Status of Funds

The Board accepted the Status of Funds report as presented.

SPECIAL CONSENT ITEMS

Administrative Costs for Fiscal Year 2004/2005

In considering this item, the Board approved the staff's recommendations.

School Facility Program Substantial Progress Time Extensions

In considering this item, the Board approved the staff's recommendations.

School Facility Program Time Limit on Apportionments

In considering this item, the Board approved the staff's recommendations.

SPECIALS/APPEALS

Lennox Elementary/Los Angeles 50/64709-00-000

This item was withdrawn from the agenda prior to the meeting at the request of the District.

Richfield Elementary/Tehama 50/71654-00-001

In considering this item, the Board approved the staff's recommendations, including authorizing the District to pay the general contractor \$215,530 contingent upon receipt of signed settlement agreements and appropriate

releases by the general contractor and all subcontractors. A motion was made and carried with the following votes:

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September 22, 2004

MEMBER	AYE	NAY	ABSTAIN	ABSENT
Senator Alpert	X			
Senator Margett		X		
Senator Torlakson				X
Assembly Member Dutra				X
Assembly Member Daucher	X			
Assembly Member Goldberg	X			
Rob Cook	X			
William Ellerbee	X			
David Sickler	X			
Jeannie Oropeza			X	
Total	6	1	1	2

Motion:

Carried X

Failed

School Facility Program Joint-Use Projects

Brentwood Union Elementary/Contra Costa 52/61655-00-01

In considering this item, the Board approved the staff's recommendation.

Clovis Unified/Fresno 52/62117-00-01

Mr. Terry Bradley, Superintendent of the District, addressed the Board. In considering this item, the Board directed staff to bring back the item in 60 days.

Jurupa Unified/Riverside 52/67090-00-01

Mr. Elliott Duchon, Superintendent of the District, addressed the Board. In considering this item, the Board instructed the District that if it can provide proof of ownership of the site within 45 days, then the Board will approve funding of the proposed joint-use project. The Board stipulated that this action was not precedent setting. In addition, the Board directed staff to amend the regulations for purposes of clarifying "existing school site" to include that the annexation of land as an addition to an existing school site must be completed and the new site owned by the district before an application is considered complete. A motion was made and carried with the following votes:

MEMBER	AYE	NAY	ABSTAIN	ABSENT
Senator Alpert	X			
Senator Margett			X	
Senator Torlakson	X			
Assembly Member Dutra				X
Assembly Member Daucher	X			
Assembly Member Goldberg	X			
Rob Cook			X	
William Ellerbee	X			
David Sickler	X			
Jeannie Oropeza			X	
Total	6	0	3	1

Motion:

Carried X

Failed _____

San Bernardino City Unified/San Bernardino 52/67876-00-01

Mr. Dave Stevenson, Assistant Director of Facilities for the District, addressed the Board. In considering this item, the Board approved the staff's recommendations.

REGULATIONS/POLICY

Grant Adjustment for the Labor Compliance Program

Mr. Tom Duffy, representing the Coalition for Adequate School Housing, Mr. Jay Hansen, representing the State Building Trades Council, and Mr. Terry Zinger, representing Golden State Labor Compliance, addressed the Board in support of this issue. In considering this item, the Board approved the staff's recommendations. In addition, the Board cautioned school districts that they may be at risk of operating labor compliance programs that are more expensive than what is required under current law. Staff was instructed to inform all school districts that discussions pertaining to labor compliance were continuing in Sacramento. Motion was made and carried with the following votes:

MEMBER	AYE	NAY	ABSTAIN	ABSENT
Senator Alpert	X			
Senator Margett	X			
Senator Torlakson	X			
Assembly Member Dutra				X
Assembly Member Daucher	X			
Assembly Member Goldberg				X
Rob Cook	X			
William Ellerbee	X			
David Sickler	X			
Jeannie Oropeza	X			
Total	8	0	0	2

Motion:

Carried X

Failed

Class B Construction Cost Index

This item was withdrawn from the Agenda prior to the meeting.

Amendments to the School Facility Program New Construction Program

In considering this item, the Board approved the staff's recommendations.

INFORMATION/REFERENCE

Board Meeting Dates for the remaining 2004 Calendar Year

OPSC Workload Summary List – New Construction and Modernization through August 23, 2004

Facility Hardship/Rehabilitation Approvals without Funding List as of August 25, 2004

MISCELLANEOUS/OTHER ITEMS

Dr. William Ellerbee, Jr. announced that Ms. Kathleen Moore, who is the new Director of the School Facilities Planning Division in the California Department of Education, will be the SAB designated representative for Jack O'Connell, Superintendent of Public Instruction, commencing January 2005. Dr. Ellerbee also asked that staff bring forward for discussion the issue of design-build prefabricated schools and evaluate the problems associated with these types of schools (i.e., circumvention of the competitive bidding process, potential litigation due to unsafe school facilities).

ADJOURNMENT

There being no further business to come before the Board, the Chair adjourned the meeting at 5:13 p.m.

JACQUELINE R. WILSON, Deputy Executive Officer

MINUTES
State Allocation Board
October 27, 2004

Upon notice duly given, the monthly meeting of the State Allocation Board was held in Room 4203 of the State Capitol, Sacramento, California on October 27, 2004 at 2:00 p.m.

Members of the Board present were as follows:

- Jeannie Oropeza, Program Budget Manager, Education, Department of Finance, designated alternate for Michael C. Genest, Interim Director, Department of Finance
- Rob Cook, Deputy Director, Interagency Support Division, Department of General Services, designated alternate for Ron Joseph, Director, Department of General Services
- William J. Ellerbee, Deputy Superintendent, School and District Operations Branch, California Department of Education, designated representative for Jack O'Connell, Superintendent of Public Instruction
- David Sickler, Southern Regional Director, State Building & Constructions Trades Council of California
- Senator Dede Alpert
- Senator Bob Margett
- Assembly Member John Dutra
- Assembly Member Lynn Daucher

Members of the Board absent were as follows:

- Senator Tom Torlakson
- Assembly Member Jackie Goldberg

Representative of the State Allocation Board (SAB) was as follows:

Bruce B. Hancock, Assistant Executive Officer

Representative of the Department of General Services, Office of Public School Construction (OPSC), was as follows:

Jacqueline R. Wilson, Deputy Executive Officer

Representative of the Department of General Services, Office of Legal Services, was as follows:

Garry Ness, Acting Chief Counsel

With a quorum present, Ms. Oropeza, Chair, called the meeting to order at 2:17 p.m.

PRIOR MINUTES

A motion was made and carried to approve the Minutes for the September 22, 2004 SAB meeting.

EXECUTIVE OFFICER'S STATEMENT

The Deputy Executive Officer advised the SAB members that:

- The Office of Public School Construction (OPSC) queried all the Board members as to the best date for the combined November/December SAB meeting, and the majority of the members preferred December 8, 2004.

- At the August 4, 2004 SAB meeting, two Lease-Purchase Program Joint-Use projects (i.e., Garvey Elementary and Santa Paula Elementary School Districts) did not receive funding because the Joint-Use funds were exhausted. Funds became available from the close-out of Lease-Purchase Program projects and the two Joint-Use projects were funded at the Board meeting as part of the Consent agenda.
- At the September meeting, the Board had requested staff to bring forward for discussion the issue of design-build prefabricated schools and evaluate the problems associated with these types of schools (i.e., circumvention of the competitive bidding process through the use of so-called piggy-back contracts and substandard construction due to an alleged lack of inspection). The OPSC requested the assistance of the Division of the State Architect in examining the assertion that the structures lacked inspection and are substandard in construction. The OPSC anticipates presenting a report at the December SAB meeting.

CONSENT ITEMS

In considering this item, the Board approved the consent calendar as presented.

FINANCIAL REPORTS

Status of Funds

The Board accepted the Status of Funds report as presented.

SPECIAL CONSENT ITEMS

Critically Overcrowded School Facilities Program Preliminary Apportionments

In considering this item, the Board approved the staff's recommendations.

School Facility Program Time Limit on Apportionments

In considering this item, the Board approved the staff's recommendations.

SPECIALS/APPEALS

Lassen Union High School District 50/64139-00-01

This item was withdrawn by the District.

Lennox Elementary School District 50/64709-00-00

Dr. Bruce McDaniel, Superintendent of the Lennox Elementary School District, and Mr. Trini Jimenez, school board president in Lennox Elementary School District, addressed the Board. The Board held this item over to a future date.

Fremont Unified School District 50/61176-00-00

Mr. Bruce Funk, a concerned member of the community, addressed the Board. Mr. John Rieckewald, Superintendent, and Ms. Therese Gain, Director of Facilities, both with the Fremont Unified School District, addressed the Board. Mr. Ken Reynolds, the District's current consultant, addressed the Board. In considering this item, the Board approved the staff's recommendation by affirming the enrollment audit findings, and directed staff to provide assistance to the District by ensuring that they have processes in place when submitting applications to the OPSC.

Material Inaccuracy Report

In considering this item, the Board accepted the report. However, the Board did put districts on notice of the responsibilities associated with self-certifying applications and to apply due diligence in reviewing work completed by consultants or district staff prior to submitting data to the OPSC.

REGULATIONS***Class B Construction Cost Index***

In considering this item, the Board approved the staff's recommendations.

REPORTS***School Facility Program Costs Avoided Per Pupil By Use of Year-Round Education***

In considering this item, the Board approved the staff's recommendation. Further, the Board suggested that the requirement that allows for this report to be distributed to the Legislature be eliminated through a trailer bill or through legislation.

Presentation of the Los Angeles Unified School District's \$15.5 Billion New School Construction and Modernization Program

This was a presentation given by the Los Angeles Unified School District to the public for informational purposes only. Therefore, no action was necessary on the part of the Board.

INFORMATION/REFERENCE***Board Meeting Date for December 2004******OPSC Workload Summary List – New Construction and Modernization through September 30, 2004******Facility Hardship/Rehabilitation Approvals without Funding List as of September 22, 2004***

MISCELLANEOUS

The Board expressed its sincere thanks to two of its members, Senator Dede Alpert and Assembly Member John Dutra, for their expert knowledge, hard work, dedication and support concerning school facilities and the many complex issues that the Board debated and resolved. These two members will be greatly missed.

ADJOURNMENT

There being no further business to come before the Board, the Chair adjourned the meeting at 4:38 p.m.

JACQUELINE R. WILSON, Deputy Executive Officer

MINUTES
State Allocation Board
December 8, 2004

Upon notice duly given, the monthly meeting of the State Allocation Board was held in Room 112 of the State Capitol, Sacramento, California on December 8, 2004 at 2:00 p.m.

Members of the Board present were as follows:

- Jeannie Oropeza, Program Budget Manager, Education, Department of Finance, designated alternate for Thomas Campbell, Director, Department of Finance
- Rob Cook, Deputy Director, Interagency Support Division, Department of General Services, designated alternate for Ron Joseph, Director, Department of General Services
- William J. Ellerbee, Deputy Superintendent, School and District Operations Branch, California Department of Education, designated representative for Jack O'Connell, Superintendent of Public Instruction
- David Sickler, Southern Regional Director, State Building & Constructions Trades Council of California
- Senator Bob Margett
- Assembly Member Lynn Daucher
- Assembly Member Jackie Goldberg

Member of the Board absent was as follows:

- Senator Tom Torlakson

Representative of the State Allocation Board (SAB) was as follows:

Bruce B. Hancock, Assistant Executive Officer

Representative of the Department of General Services, Office of Public School Construction (OPSC), was as follows:

Jacqueline R. Wilson, Deputy Executive Officer

Representative of the Department of General Services, Office of Legal Services, was as follows:

Garry Ness, Assistant Chief Counsel

With a quorum present, Ms. Oropeza, Chair, called the meeting to order at 2:11 p.m.

PRIOR MINUTES

A motion was made and carried to approve the Minutes for the October 27, 2004 SAB meeting.

EXECUTIVE OFFICER'S STATEMENT

The Deputy Executive Officer advised the Board members that staff, along with the Clovis Unified School District which recently requested special consideration of its joint-use project at the September 22, 2004 SAB meeting, are working with the California Department of Education and it is anticipated that a report will be presented to the Board at the January 26, 2005 SAB meeting.

CONSENT ITEMS

In considering this item, the Board approved the consent calendar as presented, with the exception of Dr. Ellerbee who abstained from voting on all items in the consent portion of the agenda relating to Sacramento City Unified School District.

FINANCIAL REPORTS***Status of Funds***

The Board accepted the Status of Funds report as presented.

SPECIAL CONSENT ITEMS***Deferred Maintenance Program Funding***

In considering this item, the Board approved the staff's recommendations, with the exception of Dr. Ellerbee who abstained from voting on this item because it included the Sacramento City Unified School District.

School Facility Program Time Limit on Fund Release Rescissions

In considering this item, the Board approved the staff's recommendations.

School Facility Program Substantial Progress Time Extensions

In considering this item, the Board approved the staff's recommendations.

School Facility Program Substantial Progress Reductions to Costs Incurred

In considering this item, the Board approved the staff's recommendations.

SPECIALS/APPEALS***Glendale Unified School District 58/64568-00-01, 02, and 03***

Mr. Richard White, Administrator for Planning Development Facilities for the Glendale Unified School District, addressed the Board. In considering this item, the Board approved the staff's recommendations.

Jurupa Unified School District 52/67090-00-01

In considering this item, the Board approved the staff recommendation.

REGULATIONS***Final Adoption of Proposed Regulatory Amendments for Multistory Replacement Facilities***

In considering this item, the Board approved the staff's recommendations.

REPORTS***Use of "Piggyback" Contracts and Building Code Compliance Related to Modular School Facilities***

The following people addressed the Board regarding this issue:

- Mr. Steve Winer, Executive Secretary-Treasurer of the Santa Barbara/San Luis Obispo Building Trades Council
- Mr. John Coyle, Vice President and Chief Operations Officer for Superior Quality Control
- Mr. Mark Foreman, Business Representative for Santa Barbara County Plumber's Union, Local 114
- Mr. Eric Hall, Assistant Superintendent, Business Services, for San Dieguito Union High School District, and Chair of the Coalition for Adequate School Housing (CASH)
- Mr. Mike Henning, Director of Governmental Affairs for Mobile Modular

The Board directed staff to prepare a report and provide information regarding: 1) in-plant inspections and what processes and/or criteria are being utilized to ensure that modular/temporary buildings meet inspection standards; 2) on-site inspections and what processes and/or criteria that ensure these inspections occur and ensure the safety of the occupants; and 3) competitive bidding for school facilities projects where entire schools are being constructed with modular/temporary buildings. The Board further asked that the Division of the State Architect representatives be present at the next meeting for purposes of addressing in-plant and on-site inspections.

INFORMATION/REFERENCE***Board Meeting Dates for the Calendar Year 2005******OPSC Workload Summary List – New Construction and Modernization through October 28, 2004******Facility Hardship/Rehabilitation Approvals without Funding List as of October 27, 2004*****MISCELLANEOUS/OTHER ISSUES**

The Board members expressed concerns relating to high bids, specifically how high bids affect a school district's ability to go forward and complete a project (i.e., redesign the scope of a project to remain within the project budget). Staff was directed to report back, at a future Board meeting, the implications that high bids present to school districts when constructing/modernizing projects and provide the data on a statewide basis, and to offer possible remedies through direct input contributed from school districts, county offices of education and CASH.

Another concern was raised regarding the amount of money it takes to acquire school sites. The Board asked the California Department of Education to prepare a report for a future Board meeting that details the parameters and criteria for the selection of school sites statewide.

ADJOURNMENT

There being no further business to come before the Board, the Chair adjourned the meeting at 3:55 p.m.

JACQUELINE R. WILSON, Deputy Executive Officer